

City Council Committee Meeting as a Whole
Neighborhood Preservation Zone, Code of Ordinance 12-14.1
DANBURY CITY COUNCIL
March 21, 2016

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Honorable Mayor Mark D. Boughton
Members of the City Council

COUNCIL MEMBERS PRESENT: Philip D. Curran, Christina Chieffalo, Michael J. Esposito, Jack Knapp, Warren Levy, Gregg Seabury, Irving M. Fox, John Priola, Vinny DiGilio, Joe Cavo, Thomas J. Saadi, Fred Visconti, Elmer Palma, Christopher J. Arconti, John J. Esposito, Ben Chianese, Paul T. Rotello, and Nancy Cammisa.

COUNCIL MEMBERS ABSENT: Andrew Wetmore and Duane Perkins are working; Joseph Scozzafava has family business.

PRESENT: 18 ABSENT: 3

ALSO PRESENT: Laszlo L. Pinter, Deputy Corporation Counsel; Robert J. Yamin, Corporation Counsel; David St. Hilaire, Director of Finance; Alan Baker, Chief of Police; a Hearings Officer; and Jean Natale, Legislative Assistant.

President Cavo called the Committee Meeting to order at 7:47 p.m. in the City Council Chambers.

Neighborhood Preservation Zone, Code of Ordinance 12-14.1

Deputy Corporation Council Lazlo L. Pinter commented on issues in residential areas with regard to outdoor group activities and related nuisances such as excessive noise, disturbing the peace, increasing vehicular traffic, housing or other blight. He reviewed how the Ordinance, enforcement, and assessments would work.

In response to Michael Esposito's inquiry regarding how fines are to be paid, a Hearings Officer explained the procedure.

Thomas Saadi commented on the reasonableness standard regarding the fine structure, consistency, enforcement, and the cap, to which Mr. Pinter responded. Benjamin Chianese inquired regarding the gathering of 10 or more portion of the Ordinance, and the Zone. Mr. Pinter responded that it is not a land use zone.

A motion was made by Vinny DiGilio, seconded by Thomas Saadi, to recommend the adoption of the City of Danbury Code of Ordinance Section 12-14.1 Neighborhood Preservation of Quality of Life Creation of Neighborhood Preservation Zone - NPZ. The motion carried unanimously.

Adjournment

There being no further business before the committee, a motion was made by Gregg Seabury, and seconded by Irving Fox, to adjourn. The motion carried unanimously. The meeting ended at 8:01 p.m.

Respectfully submitted,

Lori Goor
Recording Secretary



ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

CITY COUNCIL

_____ A.D. 2016

Be it ordained by the City Council of the City of Danbury:

That the Code of ordinances of Danbury, Connecticut, is hereby amended by adding a section, to be numbered 12-14.1 which said section shall read as follows:

Sec. 12-14.1. Neighborhood preservation of quality of life. Creation of Neighborhood Preservation Zone "NPZ".

- (a) Statement of purpose. The purpose of this section is to regulate specified outdoor activity that has been found detrimental to the general health, well being, safety and welfare of the residents and communities of the City of Danbury, including the preservation of property values, reducing or eliminating offensive noise and securing order in City communities. The attendant increase in vehicular traffic as well as excessive on and off street parking and lighting associated with such conditions have also been found to constitute both private and public nuisance activity. For such purposes, the provisions of the Neighborhood Protection Preservation Zone "NPPZ" are hereby established to protect the communities of Danbury.
- (b) Definitions. As used in this section, the following terms shall have the meanings described herein, unless the context clearly indicates that a different meaning is intended.
 - (1). "Nuisance" shall mean conduct associated with an outdoor group activity which in the sole determination of the City causes a disturbance or unreasonably interferes with another person's use and/or interest in the use of their property, including but not limited to the creation of (i) excessive noise; (ii) increase in vehicular traffic; (iii) non-permitted on and off street parking; (iv) excessive lighting and/or (v) housing or other blight.
 - (2) "Outdoor Group Activity" shall mean any singular or repetitive sporting or any other group or impact activity engaged in outdoors on private residential property, by ten (10) or more persons in a residential zone or affecting a residential zone as defined pursuant to the City of Danbury Zoning Regulations.
 - (3) "UNIT" shall mean the municipal Unified Neighborhood Intervention Team, duly organized and constituted.
- (c) Trigger and enforcement. Upon written or other properly verified complaint by any person either to the Danbury Police Department or filed with City UNIT offices, or by two or more owners of properties within five hundred (500) feet of the property containing or maintaining an Outdoor Group Activity, alleging that an owner or tenant of private property has created a nuisance or disturbance by engaging in or permitting such activity on his or her property, the UNIT shall be authorized to issue warnings or citations pursuant to section 12-34 of this Code and the Connecticut General Statutes section 7-148 et seq. and the Danbury Police Department, in addition to citations, shall be authorized to issue summons and fines as set forth in said Connecticut General Statutes.

Citations shall not be the exclusive remedy for any enforcement pursuant to this section.

- (d) Prohibited acts. No property owner or tenant in any residential zone shall, at any time, in such residential zone or affecting any residential zone allow, authorize or maintain Outdoor Group Activities that constitute a nuisance or disturbance.
- (e) Penalties. In addition to such other penalties as may be authorized by other law, the UNIT, the Danbury Police Department or other authorized enforcement agent is authorized to issue warnings, citations or fines to the maximum of \$250.00 or such maximum as may be authorized by law to those violating the provisions of this section.

Each violation of this section shall constitute a separate offense, and each day of violation constitutes a separate offense.

- (f) Costs of enforcement/Lien. In addition to such penalties as herein authorized and in recognition of the taxpayers' expenditures necessitated by the enforcement of these provisions, the party or parties found to have violated these provisions shall be liable for all costs and expenses of municipal officials required in such enforcement. Assessment of such costs or expenses may be appealed to a duly designated citation hearing officer pursuant to Code section 12-35.

Any unpaid penalty or assessment of cost or expense may result in a lien upon the property of the violator and may be enforced in any manner authorized by law.

- (g) Interpretation. No provision of this section shall be interpreted or construed to prohibit speech, expression or conduct protected by the laws of the State of Connecticut or the laws of the United States.
- (h) Severability. If any provision of this section or the application thereof shall be held invalid or unenforceable, the remainder of this section or the application of such terms and provisions to persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby, and each remaining term and provision hereof shall be deemed valid and be enforced to the fullest extent permitted by law.